priencies are considerable, and they are here blended in an appropriation of \$200,000, to supply these marine hospitals. I went the other day to the Treasury Department to obtain this information. I find that the receipts for the hospital at New Orleans amount to \$7,045.20, and the expenditures to \$22,295.87. The amount of receipts at Vicksburg, Nashville, St. Louis, Louisville, Cincinnati, Pittsburg, and Wheeling, are \$7,337.50, and the expenditures at these posts are the same in each as the receipts, while at New Orleans the excess of expenditures over the receipts is \$19,250.67. These places, exclusive of New Orleans, are all ports of delivery along the river. In reference to these ports, the authorities places, exclusive of New Orleans, are all ports of delivery along the river. In reference to these ports, the authorities here have limited the expenditures precisely to the amount of the receipts. Now, sir, my information, which will be sustained by every Western man who has paid any attention to the subject, is, that this limitation of these appropriations to the mere receipts does not make any thing like an adequate provision for the sick and disabled seamen upon our Western boats. My object is to appropriate ten thousand dollars in aid of this fund of \$200,000 to provide for that suffering class of our fellow-citizens who are engaged in commercial pursuits on our Western waters, in steamboats, and registered or licensed vessels.

After some debate the question was taken on the amendr

and it was agreed to.

Mr. GWIN. I will now offer an amendment to come Mr. GWIN. I will now ofter an amendment to come in immediately after the amendment which has just been adopted: "For the relief and protection of mariners in the State of California, twenty thousand dollars; to be disbursed under the direction of the Secretary of the Treasury."

It is unnecessary that I should make any remarks in support of this amendment. I will therefore merely say that in the report of the special agent who was sent out to California a provision of this sort is attended.

a provision of this sort is strongly urged.

The amendment was adopted.

Mr. WINTHROP. I offer the following amendment.

After line 1044 insert:

"To enable the librarian of Congress to subscribe for and purchase one thousand copies of the works of John Adams, the second President of the United States, to be published by Little & Brown, in an edition of ten volumes: Provided, The cost does not exceed \$2.25 per volume—said volumes to be disposed of as Congress may hereafter direct."

I am quite aware, Mr. President, that it may be thought somewhat adventurous to offer an amendment of this kind at a moment when it has been so emphatically declared that the book policy has been brought to an end. I will take this oca moment when it has been so emphanically declared that the book policy has been brought to an end. I will take this occasion to say, however, that this amendment would have been offered by my immediate predecessor upon this floor, had he not been called to perform other duties elsewhere. I do not, therefore, feel myself at liberty to shrink from offering it myself. I shall detain the Senate but a very few minutes in regard to it. The early Presidents of the United States, owing to the fact that they were immediately and personally concerned in the civil and military affairs of the Revolution, have been called the "Revolutionary Presidents." There are five of these "Revolutionary Presidents." Washington, John Adams, Jefferson, Madison, and Monroe. Now, the works of Washington, Jefferson, Madison, and Monroe—four out of five of these "Revolutionary Presidents"—all coming from some part of the country, all coming from a single State—and it is the highest honor to that State that she has included such a cluster of stars in her own sky—the works of these four Virginia Presidents, I repeat, have all been published by Congress, at an aggregate expense of \$181,950. Congress has appropriated for the works of Washington \$45,000; for those of Jefferson \$49,950; for those of Madison \$67,000; and for those of Mr. Monroe, whose writings have been purchased, but he works of the sentent and the sentent shall those of Mr. Monroe, whose writings have been purchased, but not yet published, \$20,000. Now, I need not tell the Senate who John Adams was. He was the second President of the United States. He was the first Vice President of the United States, and the first person who ever presided over this body. Sir, he was more than this. It was he who, in 1775, nomi-Sir, he was more than this. It was he wno, in 1775, hominated George Washington to be commander of all the armies raised, and to be raised in defence of American liberty. It was he who, in 1801, nominated John Marshall to be Chief Justice of the United States of America. It was he of whom Thomas Jefferson said, that "he was the Colossus of Independence on the floor of the American Congress." He was in public life from his earliest youth. I must cite a little extract from a letter of his, when he was only twenty years of pendence on the floor of the American Congress." He was in public life from his earliest youth. I must cite a little extract from a letter of his, when he was only twenty years of age, which proves his extraordinary and prophetic sagacity in country, they honestly met together and formed a constitution, and came here very improparly. I admire that the only way they had to get a government was to hold a convention and form a State constitution. In pursuance of these honest purposes, without any attempt to commit fraud on the Government of the country, they honestly met together and formed a constitution, and came here very improparly. I admire that the only way they had to get a government was to hold a convention and form a State constitution. In pursuance of these honest purposes, without any attempt to commit fraud on the Government of the country, they honestly met together and formed a constitution, and came here very improparly. regard to the future destiny of his country. He writes to a friend from Worcester, Massachusetts, before he entered, I helieve, upon the study of law, under date of October 12th, been rejected, the Senate would have consented to pay her Mr. BENTON, (in his seat.) Before Braddock's defeat.

Mr. BENTON, (in his seat.) Before Braddock's deteat.

Mr. WINTHROP, (continuing.) As follows:

"Soon after the Reformation a few people came over into this new world, for conscience sake. Perhaps this apparently trivial incident may transfer the great seat of empire into America. It looks likely to me; for, if we can remove the turbulent Gallies, our people, according to the exactest computation, will in another century become more numerous than England itself. Should this be the case, since we have, I may say, all the naval stores of the nation in our hands, it will be easy to obtain a mastery of the seas; and then the united force of all Europe will not be able to subdue us. The only way to keep us from setting up for ourselves is to disunite us." He then goes on to say :

"Be not surprised that I am turned politician. This whole The not surprised that I am turned pointed in . In swhole town is immersed in politics. The interests of nations, and all the dira of war, make the subject of racy conversation. I sit and hear, and after having been led through a maze of safe observations, I sometimes retire, and, laying things together, form some reflections pleasing to myself. The produce of one of these reveries you have read above."

Adams as long ago as 1755—as the senator from missour, has suggested, before Braddock's defeat—he being then a young man of twenty years of age. That prophetic sagacity did not fail him at another period of his life. We all remember another of these reveries in a letter to his wife, written on the very day on which the Declaration of Independence adopted by Congress, when he expressed himself thus:

"The day is passed. The 4th of July, 1776, will be a me "The day is passed. The 4th of July, 1776, will be a memorable epoch in the history of America. I am apt to believe it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to Almighty God. It ought to be solemnized with pomps, shows, games, sports, guns, bells, bonfires, and illuminations, from one end of the continent to the other, from this time forward for-

Here was another illustration of that devoted attachi American liberty—of that undoubting faith, I should rather say, in the great cause of American freedom, which inspired him with a sort of prophetic foresight of the future, and which revealed to him "the substance of thingshoped for, and the evidence of things unseen."

Bu, Mr. President, I am detaining the Senate too long.

We all know who John Adams was; and I only desire to add a word or two more on the precise subject before us. I have said that he was a member of the first Congress of the United Colonies, in 1774, 1775, and 1776-that Congress to which Lord Chatham paid so striking and memorable a com-pliment, when he said:

"That, for himself, he must declare that he had studied and admired the free States of antiquity, the master States of the world, but that for solidity of reasoning, force of sagacity, and wisdom of conclusion, no body of men could stand before the American Congress."

That was the remark of Lord Chatham. Now to apply it. John Adams was a member of this first Congress—of the three first Congresses, indeed—that of independence included. These Congresses sat with closed doors. There were no reporters in those days like those before us. And there are, at this moment, no reports whatever of their proceedings, except such as are found in these very papers of John Adams, which are the subjects of the amendment I propose. John Adams, with that habit of exactness and method which be longed to him, kept a journal of the proceedings of the three first Congresses of the United Colonies, and among them the Congress of Independence, as Mr. Madison did of the Convention which framed the constitution of the United States. Indeed, Mr. President, as the memorial which was presented here on this subject well says, the larger portions of these papers are made up of materials of singular interest to the Government and people of the United States, "comprising, as they do, reports of the proceedings of the Congresses of 1774, 1775, and 1776, in which the writer was a conspicuous actor, and reports of which exist nowhere else; and of a diary and autobiography from the year 1755 to the close of his public life, never yet published; and of other works, chiefly relating to our Revolutionary history and the formation of our constitution." It is hardly too much to add, that the history of John Adams is the civil history of

this country for the period of his public career.

The memorialists go on to state the facts which I have already stated as to the appropriations made for the publication of the works of four out of the five first Presidents of the United States. They state that the publication of works of this magnitude is too great for private enterprise; and they conclude by praying Congress to encourage them by a subscription for a thousand copies, to be distributed among the States, or in such way as the wisdom of Congress may decide.

Without more words, I leave the subject to the Senate.

Mr. DICKINSON. That John Adams was among the first patriots, and among men of the first minds, no one denies. I have often taxed my imagination when the 4th of July has come round to deliver enlocies in favor of him. July has come round to deliver eulogies in favor of him and I will state briefly the occasion for this amendment. There other patriots of his day; and I may do so again if I do not had been an office of keeper of the archives with a salary other patriots of his day; and I may do so again it is not leave that little imagination I have in discussing these dry financial questions. The purchase of papers which have been prepared by former Presidents, so far as I know, has hitherto been done under the recommendation of committees on the libraries, or other committees, and have been examined and containing the papers directed to be transferred to the costody of the Surveyor General of Florids. It required to the costody of the Surveyor General of Florids. It required

This amendment is thrown into an appropriation bill within by law. five days of the termination of the session. It is a matter for very considerate legislation; and the very fact that the honorable Senator from Massachusetts fieds it a theme calculated 1049th, and 1050th lines, the words "the patent fund, if to excite the imagination and revive so many patriotic recollec- so much of said fund remains unappropriated, and if not, the tions, shows that it is not a matter that belongs to the intrica- excess out of," so that the clause shall read-

So the motion was agreed to. Mr. HAMLIN. I have been instructed by the Committee on Commerce to offer the following amendment to the bill: "For the purpose of testing the use and economy of the calcium light in some light-house, \$5,000; to be expended under the direction of the Secretary of the Treasury."

I will detain the Senate only to state that this matter I will detain the Senate only to state that this matter underwent the investigation of the committee who examined all the matters connected with the subject while the light was being exhibited from the dome of the Capitol. The evidence was pretty clear that if the light could be applied, it could be furnished for about one fourth of the present cost. If that be the case it is a matter of great importance to the Government.

Mr. CASS. It has already cost the Government a vast sum to make experiments of this sort. If the experiment is to be made, let the individual concerned in getting up the light make it at his own expense, and when completed, if sat-

light make it at his own expense, and when completed, if a factory, let the Government make use of it, and pay for it.

The amendment was rejected.

Mr. FOOTE. I offer the following ame Mr. FOOTE. I offer the following amendment:

"For compensation to Theodore S. Fay, Secretary of Legation to Prussia, for his services as acting charge d'affaires at that Government, \$1,701.40, which shall be in full payment of his claims for all such services."

This also has been sanctioned by the Committee on Foreign Affairs of each House; and I understand from the chairman of the committee of the other House that the sanction which that committee afforded it was based upon the recommendation of the Department, which I have not seen. I cannot myself doubt the propriety of the appropriation. I therefore

The amendment was rejected. The amendment was rejected.

Mr. FOOTE. I have another amendment to offer, with which I hope to have better fortune. It has not received the sanction of a committee of the other house; but it has received the sanction of the Committee on Foreign Relations of the Senate. I believe I may say that it has also received the sanction of the chairman of the Committee on Finance:

"To defray the expenses of a special agent to the three republics of Venezuela, New Grenada, and Ecuador, to elaim of those Governments respectively the several amounts due from each of them on claims of several citizens of the United States against the former Government of Columbia, \$2,000."

Mr. DICKINSON. I am inclined to think that this may be productive of benefit, though I have not had more than a be productive of benefit, though I have not had more than a clance at the matter. There is a great deal of plausibility in

it, although it may be liable to some objections.

Mr. GWIN. I have examined this matter with some care, and I do not believe that we could appropriate money for a The amendment was adopted.

The amendment was adopted.

Mr. DAWSON. I move to amend the bill by inserting mileage of Senators,

after the provision for the pay and mileage of Members, and Delegates, the following: "And to the Senator elect from New Mexico who has appeared here for the purpose of taking his seat in the Senate of the United States, for his mileage, \$2,000."

New Mexico has made an effort to get into the Union u New Mexico has made an effort to get into the Union upon the same principle as California; and the Senator elect (Mr. Weightman) from New Mexico came here with just as honest purposes, and he was elected with just the same views and feelings, as the Senators from California were elected. He came here without any knowledge that Congress was about to establish a Territorial Government there. On the contrary, the public press of the day gave him information that a Territorial Government would not and could not be established in New Mexico, and that the only way they had to get a government was to hold a convention and form a State con-

I recollect, in 1836, when I was a member of the House o Representatives, Michigan came here with her Senators; her constitution was rejected; her Senators were compelled to return home, but in the civil and diplomatic bill, an appropria-tion was made to pay those Senators. I ask what, in common justice, is the distinction between the Senators from Michigan and California, and the Senator from New Mexico who is here; who came here without any other view or expectation than that of taking his seat; believing it would be in accord-

ance with the wishes of the Government and people of this country. I submit, then, whether in fairness, in honesty, and in justice, he is not entitled to it?

Mr. GWIN. I do not object to the Senator from Georgia bringing in this proposition; but I do protest against his stating that the case of California and that of New Mexico are the same. Sir, there is a great difference between the two cases. If I am not very much misinformed, this movement for the establishment of a State Government in New Mexico was not commenced until after this session of Congress began, Such was one of the extraordinary "reveries" of John Adams as long ago as 1755—as the Senator from Missouri that the subject of forming a Territorial Government was under consideration. And it has been that the subject of forming a Territorial Government was under consideration. And it has been charged, and not successfully refuted, that that movement took place under the direction of the Executive branch of this

And here I feel myself called upon—and it is the first occasion I have had to speak upon the subject—to deny most emphatically that the people of California formed their State Government under Executive dictation. I acquit the gentleman sent out there by the President of the United States (Mr. Thos. Butler King) of having interfered at all in the matter. If Mr. King interfered, his interference was un-known to me and to the people of California. I was a memknown to me and to the people of California. I was a member of the convention which formed the State constitution there, and I know he did not interfere in the slightest possible degree in the formation of the State constitution. I have heard various charges brought against him to that effect. I do not know what his intentions were; but his real acts, I know, were such as should not subject him to any such important.

Mr. DAWSON. I am gratified to hear that statement made. The Hon. Thos. Butler King has denied in person the statement that he went as the agent of the late Administration. tration to call the State of California into existence. It is now denied by the Senator from that State. It has been denied by the late Governor of that State, General Riley, who stated to me here in this hall that Mr. King had nothing to do with it. He told me that his proclamation was written in the month of May, and that he did not know of the approach of the steamer which brought Mr. King there when he issued

his proclamation.

After further debate the question was then taken and result-YEAS-Messrs. Atchison, Baldwin, Bell, Benton, Chase,

YEAS—Messrs. Atchison, Baldwin, Bell, Benton, Chase, Clarke, Cooper, Davis, of Massachusetts, Dawson, Dayton, Dodge, of Wisconsin, Dodge, of Iowa, Ewing, Greene, Gwin, Hamlin, Seward, Shields, Smith, Spruance, Underwood, Wales, and Winthrop—23.

NAYS—Messrs. Barnwell, Bright, Butler, Cass, Clay, Dickinson, Downs, Felch, Foote, Houston, Hunter, Jones, King, Mason, Morton, Norris, Pratt, Rusk, Sebastian, Soule, Turney, Walker, Whitcomb, and Yulee—24.

dment was rejected.

Mr. GWIN. I have an amendment which I wish to offer, Mr. GWIN. I have an amendment which I wish to offer, to come in after line 483:

"That the Secretary of the Treasury be and he is hereby authorized and directed to contract, upon the most reasonable terms, with the proprietors of some well-established assaying works now in successful operation in California, upon satisfactory security, to be judged of by the Secretary of the Treasury, who shall, under the supervision of the United States Assayer, to be appointed by the President by and with the advice and consent of the Senate, perform such duties in assaying and affixing the value of gold in grain and lumps, and in forming the same into bars, as shall be prescribed by the Secretary of the Treasury; and that the said United States Assayer shall cause the stamp of the United States, indicating the degree of fineness and value, to be affixed to each bar or ingot of gold that may be issued from the establishment. Provided, That the United States shall not be held responsible for the loss of any gold deposited with said proprietors for assay. And provided further, That the salary of said assayer ble for the loss of any gold deposited with said proprietors for assay. And provided further, That the salary of said assayer shall be fixed by the Secretary of the Treasury not to exceed

I have offered this amendment to this bill from a fixed cor viction that the bill establishing a mint in California will not pass this session, from the impossibility of getting it through the other House. I have submitted the amendment to every member of the Committee on Finance, and they are all favorable to it.

The amendment was adopted

recommended by them; and the question regarding them has some time to accomplish this transfer, and some time beyond the date for which the appropriation extended. This amend-discussed.

The amendment was agreed to. Mr. WALKER. I move to strike out of the 1048th

should be a question for consideration by itself. Will the ing according to the original plan, under the direction of the

Secretary of the Interior, \$110,000, to be said out of [words stricken out] any money in the Treasury sot otherwise appropriated."

The fund from which it is proposed to appropriate the money

The fund from which it is proposed to apprepriate the money required for the erection of the east wing of the Patent Office is one which is derived from the payments of inventors in taking out patents of \$30 each. To do this looks to me very much the same as if we were to require members of Congress to pay for the erection of the proposed wings of the Capitol, or the merchants to pay for the erection of the custom houses. And it is more unjust even than those requirements would be. This building is not to be erected for the benefit of the Patent Office—for that is large enough now for all the purposes of inventors for twenty years to come—but I understand it is intended for the use of the Department of the Interior. Hence the glaring injustice of this proposition. It is unjust to impose this tax on the inventors and mechanics of our country for the erection of a palace in Washington to be appropriated for any other purposes than their own. And there are other propositions, one of which is to tax the mechanics and inventors of the country even for the collection of agricultural statistics, which I shall move to strike out of the bill.

bill.

Mr. DICKINSON. I feel quite indifferent as to how the matter shall be decided. I contended last spring against slarge an amount of this fund being appropriated as there was but the Senate overruled me by a large majority, and since then I have felt very little interest in the matter. I desire to get this bill through, if possible, and I hope, therefore, unless my friend from Wisconsin considers it abiolately necessar to do otherwise, he will leave the subject until the beginning of the next session.

Mr. WALKER. I cannot do it. Mr. WALKER. I cannot do it.

The amendment was rejected.

Mr. BADGER. I wish to renew a motion which I submitted to the Senate in committee, and which I hope will now receive the general and perhaps unanimous approbation of the body, although it was then voted down. The motion is to strike out the clause of the bill providing that no Senator shall receive mileage for any called session of the Senate within thirty days after the adjourning of the regular session.

Mr. SMITH demanded the yeas and nays, but they were

not ordered.

The amendment was agreed to.

Mr. DAWSON. I wish to revive the ame an allowance of mileage to the Senator elect from New Mex co, and I wish to make one or two observations on this sub co, and I wish to make one or two observations on this subject. I renew this amendment, inasmuch as I see that the public funds are rapidly going, because I think a share of them should be diverted to this object. As I stated before this gentleman came here for a very honest and patriotic purpose. He believed he was entitled to the dignity of a seat of this floor, but he was disappointed in that, though not from any fault of his own. He was sent here by the people whom he represents, over a journey of thousands of miles, to make known their wants to the Government. I am aware that h was not entitled to his seat here, and I voted against his claim was not entitled to his seat here, and I voted against his claim to it, but still he was also an agent of the Government of that infant State or colony, and after the journey he has made I cannot agree that he should not be compensated a single dol lar. More particularly, I cannot agree to it when I see that every other of the delegates have been paid; and, above all, when we can give a may who travels in a public vessel from Turkey \$10,000. I think, therefore, that the man who comes the posterior of country the most distant we have to represent the portion of country the most distant we have, save Caliiofnia, is at less entitled, not legally, but as an act

save Caliiofnia, is at less entitled, not legally, but as an act of mere justice, to his mileage.

Mr. DICKINSON. I supposed that matter had been fully determined on to-day by a vote of the Senate, by yeas and nays. I hope it will be similarly disposed of at once, and without the consumption of further time.

Mr. BERRIEN. I extremely regret that this motion has been renewed. It does seem to me that to make the allowance proposed by the motion would be one of the most extraordinary acts on the part of the Senate of the United States which I can concave of. A portion of the people in a Territory of the United States have assumed to themselves the right of constituting a State Government. We have dethe right of constituting a State Government. We have de-nied that right, and have riven them a government of terri-torial form; and surely, si, I must violate every conviction of torial form; and surely, sil, I must violate every conviction of my judgment to recognise the right of these people to send a Senator here, when in the lenial of that right I am sustained by the judgment of Congress. Upon what principle, then, is it that we are to recognize this man—not as one who is entitled to take a seat in the Senate, but as one who is to be compensated as a Senator of the United States? Have we a right thus to dispose of the public means of the country? This principle of self-government has been carried to a sufficient extent, and we are, in my judgment, now pushing it beyond any limit which can be recognized on any principle to be deduced from the constitution of the United States. I trust, sir, that this motion will not prevail.

duced from the constitution of the United States. I trust, sir, that this motion will not prevail.

Mr. DAWSON. I am scrry that my colleague should entertain the views in regard to this proposition which he has expressed. I have merely proposed that we should pay an agent who has come to us from a portion of our own people as their representative, on the same principle that we have already agreed to pay an agent from a foreign nation who has come here to become acquainted with our institutions. I can see no difference between his case and that of a gentleman who has been sent here from an infert account. tions. I can see no difference between his case and that of a gentleman who has been sent here from an infant colony, some two or three thousand miles tway, for the purpose of ascertaining the state of things at the seat of government, unless it be in favor of the latter. He came in a double capa city, as an agent of the Government and of these people, and my colleague that he is not entitled to a seat on this floor but I will not, for that reason, say that he is entitled to nothing at all on the part of the Government. Why, he came here as a constituted agent of the Government—a self came here as a constituted agent of the Government—a selfmade agent, if you please—to represent the condition of that
people so distant from us, and I think it is our duty at least
to pay his expenses. I can see no objection, based on any
sound or great principle, to our doing so. My course on this
subject is too well known to need any explanation. I have
denied the right of these people to come in as a State; but
because on that occasion they were disposed, wrongfully, as I
believe, to exercise sovereign power, I am not thereby indisposed to do here what I consider a simple set of justice.

Mr. BERRIEN. The Senator elect from New Mexico!
Six the Senator has not confined as a six of the service of the senator in the senator was not confined as the service of the senator in the senator was not confined as the senato

Mr. BERRIEN. The Senator elect from New Mexico! Sir, the Senator has not only given me pain, but I fear will pain our common constituency, by renewing this resolution. There is no kind of analogy between the case of the Turkish agent sent here and the case of this individual. The allowance was made to him under considerations of high national policy; under considerations connected with the foreign commerce of the country; but upon what principle are you going to make this allowance to this individual. If you require information from an agent, appoint him as an agent, describe him as an agent, and make him the compensation which is appropriate for an agent; but I trust that the Senate of the United States will so far respect its own dignity as not to recognise this agent, the elected agent of the inhabitants of a Territory of the United States, as an individual who is entitled to his mileage in his character of Senator elect.

a Territory of the United States, as an individual who is entitled to his mileage in his character of Senator elect.

Mr. HOUSTON. I am reluctant to say any thing, because I know the importance of time in the Senate; but other gentlemen have felt no compunctions on the subject, and on some occasions I must avail myself of my privilege. I am astonished that the Senator from Georgia, who presented this motion, should have acknowledged himself so very deficient in regard to intelligence from New Mexico. He says that that State, that would be, has not been represented here; but he certainly must have forgotten that there was a most assiduous representative and delegate from there, Mr. Hugh N. Smith—a gentleman who was not only zealous, but able, and who was present here during most of the session as the representative of that infant State or Colony. Yes, sir, he was here, and he left us but the other day, fully compensated for his services; and I have no doubt that his labors were of great importance to New Mexico. The Senator so recently arhis services; and I have no doubt that his labors were of great importance to New Mexico. The Senator so recently arrived, though his telegraphic despatch was here before him, has now his claims presented. This is the first new State that I ever saw represented by a single Senator, and I presume, if Washington city had not been his residence and home, he would not have been here either. The controversy between the military governor of New Mexico and the self-constituted authorities of that country was very well calculated, I should suppose, to have deterred any man who had not the stituted authorities of that country was very well calculated, a should suppose, to have deterred any man who had not the inducement of returning to his home, from attempting to leave three in the expectation of being recognised as a mem-ber of this or the other house of Congress. It is well known that a controversy has arisen between the authorities there constituted under the orders of the Administration, and those acting under the military authority, which has well nigh resulted in open war, and this "Senator elect" is the offspring of their mutual discord. It is under these circumstances that he comes here, and is there any thing analogous between his claims and those of the Senators from California? The Senators from California save from California save from California. tors from California came here representing a State, certainly irregular in its first organization, not having passed through a'l the gradations of government which our system prescribes; but they came here with some sanction, some authority to sustain them. The voice of the people, and of a regularly convened Legislature, sent them here, and they were recog-mised, therefore, as entitled to seats here. There were no difficulties conflicting with the territorial and sovereign rights of any other State in the Union arising from their admission. Sir, I cannot see why we should not just as properly admit to a seat any individual who comes here from the Utahs, or the Cherokee nation, or from any where else, claiming to represent a constituency, as this individual who claims to be nator elect. They are quite as much estitled to it. Indeed, they are much more so, because they have had no one here to represent them, while almost all the talent of the House has been employed in advancing the interests of New

Mexico.
Mr. DAWSON. I wish to make but one or two observa tions. I had certainly no intention of infringing upon the rights of Texas—every body knows my position in that mat-

proceeded to elect a Senator, who comes here in pursuance thereof, with the most honest purpose. The question now is, whether we will refuse to extend to this supposed representative what we have extended to every other similar ose, merely because these people were wrong in relation to what they supposed to be their natural rights? I stated this morning that when Michigan first elected her Senators, they came here before the constitution of the State had been accepted. They were sent back for re-election, not being considered eligible to take their seats. The question came up while I was a member of Congress in the other House, and, although they were not allowed to take their seats, Congress paid their mileage and per diem during that session. Upon the principle which governed them, and that alone, have I placed this question; not that this Senator shall take his seat at all, but because he came here honestly, under a supposed right to take his seat.

Mr. EWING. I have looked at the section with some fare, which is right. If a man carries about

Mr. RUSK. Will the Senator allow me to ask him

quest on?

Mr. DAWSON. Certainly.

Mr. RUSK. Is not this an enactment, if we pass this bill with this amendment, in favor of the right of a Senator elect from New Mexico? Will it not be considered as an admission.

ion of their right to elect a Senator?

Mr. DAWSON. I will change the language shall read, "the person claiming to be a Senator," if the will suit the Senator from Texas. Every body can under stand the object I have in view. This is a mere question of equity and justice, and as such can excite no such emotions of feeling as Senators seem to apprehend. And, sir, if the people of this country cannot comprehend the difference between an individual presenting himself and one who claims to be a Senator, then I am mistaken.

The amendment was then read as modified, as follows:

"To Richard H. Weightman, who claimed to be a Senator elect from New Mexico, and who appeared here for the purpose of taking his seat in the Senate of the United States, for his mileage, not exceeding \$2,000."

Mr. FOOTE. I have not risen to discuss this mal large, though I feel very much inclined to do so; but I wish in a single remark to beg the Senate to proceed to a vote at once. It is a very hard case, sir. Some of us have sat here once. It is a very hard case, sir. Some of us have sat here from morning till night, starving all the time, and other Senators have gone and got their dinners and then come back and make long speeches [laughter] to us in our famished condition. Therefore, knowing this fact at the present time, I intend to move that we adjourn, unless it can be understood that we shall presently act finally on the bill. The fact is, I cannot suffer much longer. [Renewed laughter.]

Mr. RUSK. I move that the Senate adjourn. I look upon this amendment as a firebrand to be thrown into the country.

The motion was rejected.

Mr. DODGE, of Iowa. I rise to thank the Senator from Georgia for offering the amendment which he has submitted.

Coming from the section of country which he does, it evinces degree of liberality and magnanimity on his part which are

mr. BENTON. Amen! [Great laughter.] Mr. BENTON. Amen! [Great laughter.]
Mr. DODGE, of Iowa. I am one of those, sir, who believe that there was no State Government in New Mexico, and that the whole movement was all a humbug. I voted against the amendment of the Senator from New York at all times, and I am prepared to do so again, because I do not believe that this gentleman has any claims to be admitted to a seat on this floor, but he has been sent here by those people under the influence of a policy believed in by the President of the United States and a large portion of the people of the country, and which induced them to suppose they were right in the course they were pursuing. Under these circumstances, this gentleman, after performing a journey of at least two thousand miles at the hazard of his life, has come here in good faith, and I believe that we should in common justice compensate him. Delegates from this very in common justice compensate him. Delegates from this very country—from Utah at least—sent here, have been paid by the House, and I think that the claims of this gentleman on the Senate are equally as strong as those were on the House I am sorry that my friend from Texas should be annoyed i

a little miserable per diem allowance to this man could in any way cause a controversy between Texas and New Mexico. If I thought it possibly could, I should vote against it.

Mr. DICKINSON. I really hope that the Senate will recollect the necessity which exists for the immediate disposition of this bill, and not consume further time in the discussion of these collateral questions. This question of New Mexico and of Texas, and all the questions incidental thereto, are well understood by every one in the country, and certainly need no further elaboration here. I voted against this amendment before, and I shall vote against it now, and I am sure that we shall consult our own convenience and the public business by disposing of it in a very brief manner.

Mr. RUSK. So fer as I am concerned I must regret that this amendment has been pressed upon the Senate. I am the last man here that would withhold from any individual who came here from New Mexico or elsewhere his allowance of

regard to this matter, or should suppose that the possibility of a little miserable per diem allowance to this man could in any

came here from New Mexico or elsewhere his allowance of came here from New Mexico or elsewhere his allowance of mileage or per diem, if that was the only question involved. The questions connected with this matter had been disposed of in such a manner as I thought respectful to the State of Texas, and propositions have been left to her consideration, to accept or reject. The amendment now pending, I fear, will be seized upon to raise this question anew, and thus to increase and protract the irritation which already exists in Texas. The language of the amendment is a recognition of

the claim of New Mexico.

Mr. DAWSON. The amendment has been so modified on that point. It re "To Richard H. Weightman, who appeared here and clair ed a seat in the Senate of the United States," &c.

That should waive all objection.

Mr. RUSK. He comes here in utter disrespect of the claim of Texas, and I desire to do nothing that will sanction any such cause.

Mr. DAWSON demanded the yeas and navs, and they

were ordered.

The amendment was rejected as follows: The amendment was rejected as follows:
YEAS—Messrs. Baldwin, Bell, Benton, Chase, Davis, of
Massachusetts, Dawson, Dayton, Dodge, of Iowa, Ewing,
Greene, Hale, Hamlin, Seward, Smith, Spruance, Underwood,
Wales, Walker, and Winthrop—19.
NAYS—Messrs. Badger, Berrien, Bright, Davis, of Missispipi, Dickinson, Downs, Felch, Foote, Houston, Hunter,
Jones, Morton, Norris, Pratt, Rusk, Sebastian, Soule, Stargeon, Whitcomb, and Yulee—20.

The amendments were then ordered to be engrossed and the bill was ordered to a third reading, and was read a third time and passed.

The Senate then adjourned.

WEDNESDAY, SEPTEMBER 25, 1850.

On motion by Mr. MORTON, the Senate proceeded to consider, as in Committee of the Whole, Senate bill No. 167, being the bill for the relief of Mrs. A. M. Dade, widow of the late Major F. L. Dade, of the United States army.

The bill was then reported to the Senate, and no amendment having been proposed, it was ordered to be engrossed for a third reading, and was subsequently read a third time GENERAL PENSION BILL.

On motion by Mr. JONES, the Senate proceeded to consider, as in Committee of the Whole, Senate bill No. 137, being the bill to regulate the pensions of officers, soldiers, seamen, and marines who have been or may hereafter be disabled while in the service of the United States. Mr. JONES. In order to remove all the objections to th

Mr. JONES. In order to remove all the objections to this bill, in consequence of allowances that may be thought extravagant, although the committee have unanimously agreed to these allowances as they are in the bill, I will move to make such reductions as I think will induce every Senator to vote for the bill. We have passed many special bills for the relief of officers and soldiers who are disabled; but this is a general bill, which will embrace many cases, and avoid the necessity of passing numerous bills in individual cases. I move to strike out in the fourteenth line of the first section the words "double the amount." and insert "fifty per cent."

the amount," and insert "fifty per cent."

Mr. HUNTER. I would suggest to the Senator from Iowa that perhaps he can make his bill more acceptable to others, and accomplish all the purposes he has in view, by striking out the fourth section; and in order to show why I make the motion, if he will withdraw his motion I will ask to have a letter read which I have received from the Commissions. sioner of Pensions, in answer to a communication from me, calling his attention to this very case.

The letter was accordingly read, as follows:

PENSION OFFICE, AUGUST 2, 1850.

SIR: I herewith return Senate bill No. 137, "to regulate the pensions of officers, soldiers, seamen, and marines who have been or may hereafter be disabled while in the service of the United States."

have been or may hereafter be disabled while in the service of the United States."

The first three sections of this bill were suggested by me in January, 1849; and if a law containing these sections were passed, the additional expenditure would not amount to twenty thousand dollars at the highest calculation, as the number of men disabled by the actual loss of limbs or eyes in battle does not amount to more than one in fifty of those who draw invalid pensions. But if the fourth section should pass, the effect would be to increase the pension of every man who is now on the roll to treble or quadruple the amount which he now receives. From little more than three hundred thousand dollars, the amount of the present annual expenditure for invalid pensions, this item would be increased to eleven or twelve hundred thousand dollars.

By this bill the pensions of officers would be increased in most cases to the following rates: Licutenant Colonel, and all officers above that grade, ninety dollars per month; Major, seventy-five dollars per month; Captain, sixty dollars per month; First Licutenant, fifty-one dollars per month; Second Licutenant, forty-five dollars per month; Third Licutenant, forty-two dollars per month; Ensign, thirty-nine dollars per month.

I have the honor to be, respectfully, your obedient servant.

I have the honor to be, respectfully, your obedient servant

J. L. EDWARDS.
Hon. R. M. T. Hunter, Senate of the U. States. Mr. HUNTER. I will suggest to the Senator from Io

care, and I certainly think it is right. If a man carries about a disabled limb which is totally useless, he is worse off than the man who has lost a limb. If this section should not be

the man who has lost a limb. If this section should not be struck out, I do not think that there will be a very extravagant expenditure, as has been suggested. The proportion of limbs utterly disabled cannot be very great.

Various amendments were adopted; after which the bill was reported to the Senate, and the amendments which had been made in Committee of the Whole were concurred in.

Mr. BRIGHT. I now renew the motion which was rejected in committee to strike out the 4th section of the bill, and on that question I ask the yeas and nays.

The yeas and nays were ordered.

The question being taken, by yeas and nays, on the motion to amend by striking out the fourth section, resulted:

YEAS—Messrs. Atchison, Barawell, Bright, Butler.

YEAS—Messrs. Atchison, Baruwell, Bright, Butler, Chase, Clarke, Clay, Davis, of Mississippi, Dawson, Dickinson, Dodge, of Wisconsin, Downs, Felch, Foote, Greene, Gwin, Hamlin, Hunter, King, Mason, Norris, Pearce, Pratt, Sebastian, Soale, Spruance, Underwood, Whitcomb, and Yulee—29.

NAYS—Messrs. Badger, Baldwin, Bell, Cass, Cooper, Dayton, Ewing, Fremont, Houston, Jones, Morton, Rusk, Seward, Shields, Smith, Sturgeon, Turney, Wales, Walker, and Winthrop—20.

and Winthrop—20.
So the amendment was agreed to.

The bill was then ordered to be engrossed for a third

THE GALPHIN CLAIM.

The joint resolution from the House of Representatives to authorize the President of the United States to cause suit to be brought against George W. Crawford, late Secretary of War, was read a first time by its title as follows:

War, was read a first time by its title as follows:

Whereas the following communication, of the date hereinafter mentioned, has been made to the House of Representatives of the United States, by George W. Crawford, late Secretary of War, viz:

Washington, July 16, 1850.

Sir: The application I had the honor to make through you to the House of Representatives on the second of April last, having for its object the investigation of my conduct and relation to the Galphin claim, has, as I understand, been decided, and the result is the condemnation of the claim, and all subsequent proceedings under the act of Congress which provided for its settlement, except the payment of the principal.

As the question of interest is believed to be judicial in its character, I have now respectfully to request that the House of Representatives may take the necessary steps to cause legal proceedings to be instituted against me for the recovery of that or any portion of the Galphin claim I have received. At the same time I am prompt to give the assurance that I will not interpose delay or raise is my defence any other question than the proper construction of the act for the relief of Milledge Galphin, executor of the last will and testament of Geo. Galphin, deceased, approved August 14, 1848.

I have the honor to be, very respectfully, your obedient servant,

GEO. W. CRAWFORD.

Hon. Howell Cobb, Speaker, &c., Washington.

Hon. Howell Coss, Speaker, &c., Washington. JOINT RESOLUTION to authorize the President of th

JOINT RESOLUTION to authorize the President of the United States to cause suit to be brought against Geo. W. Crawford, late Secretary of War, and to provide for a judicial decision of the question or matter therein referred. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he is hereby authorized to cause suit to be brought, in the name of the United States of America, against the said Geo. W. Crawford, in the Circuit Court of the District of Georgia, to recover back the interest allowed and paid to him upon the claim of said Galphin, authorized to be "examined" and "adjusted" by the act of Congress, approved August 14, A. D. eighteen hundred and forty-eight, entitled "An act for the relief of Milledge Galphin, executor of the last will and testament of George Galphin, deceased," or any part thereof that it may appear the Secretary of the Treasury was not authorized to allow and pay; either party to be entitled to a writ of error or appeal, as in other cases.

as in other cases. The joint resolution was read a second time with a view Mr. BADGER. I can see no reason why that resolution

should not be passed without reference to a committee. It is a measure which was introduced into the House at the request of Mr. Crawford. I suppose there can be no objection to gratify his wish on the subject, and I hope the resolution will be put upon its passage.

Mr. BUTLER. I hope the resolution will be acted on conce, with a decided opinion on my part that it ought not t

pass.
Mr. DAWSON moved to refer the resolution to the Judi ciary Committee, which motion did not prevail, and the reso-lution was considered by the Senate as in Committee of the Whole.

Mr. TURNEY. I have but a single remark to make. think the resolution itself will not raise the question which it is proposed to raise and to investigate before the courts; that is, to test the correctness of the decision of the departments here in paying the interest upon this claim. It cannot do it, in the first iastance, because Mr. Crawford only acted as agent or attorney for the Galphins, and if he received the money in the character of agent or attorney, the presumption is that he has paid it over to the owners, retaining, no doubt, the fee which was to be paid him by the contract with them. If this question is to be tested, you must sue the parties who received the money, and not the attorney who prosecuted the claim. It is mere humbug to say that Mr. Crawford was claim. It is mere humbug to say that Mr. Crawford was justified, or that the departments were justified in paying it, on account of any decision which the courts might make under this resolution. The suit must be brought, not against the agent or attorney who prosecuted the claim, but against the men who recovered the money. And besides, from the provisions of this resolution, I take it that, even if Mr. Crawford was the proper party to be sued, you could not get behind the decisions of the auditors and comptrollers, and of the treasurer who paid the money. Their decisions would be final and conclusive before the court. Thus it would be a more matter of mockery to authorize the President to bring a mere matter of mockery to authorize the President to bring suit in order to whitewash the character of some man. am opposed to passing this resolution to authorize a judicial investigation for the purpose of whitewashing the character of Mr. Crawford in this transaction. You cannot reach the question of the correctness of the decision of the department in paying this money by any suit that can be instituted under this resolution, because you cannot sue Mr. Crawford, the attorney, and, secondly, because in any such suit the decision of the auditor and treasurer would be conclusive upon the court. The court would have no right to reverse it. Their decision would be the law of the case. An act of Congress confere the duty of making such decisions upon these accounting officers, and there is no law authorizing the courts to correct or reverse them. No appeal can be taken, nor is there any mode of revising the decisions of the accounting officers; and hence I say this is a mere mode of whitewashing the character of Mr. Urawford, without any possible hope even of submitting to the court the correctness of those decisions. The court would have no power to reverse or revise them and render judgment against Mr. Crawford, even if he was the proper man to be sued to recover this mency back. I hold that it is utterly sued to recover this meney back. I hold that it is utterly unnecessary, therefore, to pass any such resolution. In fact, I think it is "throwing good money after bad" to incur the expense of a lawsuit merely for the purpose of whitewashing the character of these parties.

Mr. EWING. I think the Senator from Tennessee is entirely mataken in all the carifornia.

entirely mistaken in all the positions he has taken in this matter. In the first place, he says that the proposed suit is not against the proper individual, and that the suit cannot be sustained against him, because he is only the attorney, and sustained against him, because he is only the attorney, and not the party. Now, sir, this attorney received the money, or a portion of the money, no matter how much; but whatever portion of that money he received, if he be sued for it, and if in his pleadings he do not set up the defence that he was attorney, the suit can be sustained. The case has to be decided upon the declaration and the plea, and you can sustain the action against him if he admits that he received the money, and does not plead that he received it as attorney. Now, he says in his communication to the House that he will not put in that plea. If he do, he is a dishonored man as a matter of course, and there is no "whitewashing" of character at all. But I undertake to say that he will not plead nor set up as a defence that he received this money as attorney. So that, as to that particular point, it settles it without any difficulty at all, just as if you sued the individual party instead of sueing the attorney. stead of sueing the attorney.

As to the next position, that the settlement of this account

by the accounting officer is conclusive, Mr. Crawford says in his letter that he will not set up that as a defence, nor will he set up any thing as a defence except the legal right, conferred by law, to pay this money, and every part of it, over to the by law, to pay this money, and every part of it, over to the parties. He will not set up as a defence the fact that the accounting officers have acted upon it at all. In his pleadings he will present the single and sole question, that the law of 1848 and the previous obligations of the Government gave him the right to receive this money. Well, if he does not—if the pleadings are presented in that form, I need not say to every lawyer that the question will be settled by our courts upon the pleadings, and settled, therefore, upon the law of the original case. It is no matter of whitewashing at all. If the pleadings be made fairly—if the pleadings be set forth bona fide, as he says he will cause them to be set forth, the actual law of the case will be presented; and if there has actual law of the case will be presented; and if there has been black-balling by the decision of the committee, there will be nothing more than the wiping off of that black-balling by ter—nor do I consider this motion as an infringement upon the rights of Texas. The people of this Colony supposed they had a right to form a State government, and they proceeded to do so, as I stated to-day, under the supposed sanction of the Government. Under this misapprehension they

Mr. BUTLER. I was one of those who thought that this resolution ought not to go to the committee. I think it unnecessary, because the subject is well understood. I object to the bill upon this obvious ground, that we have no right to make use of the courts of the United States to perform the office of arbitrator. We have no right to devolve upon them the office of arbitrator between gentlemen who may conceive their honor involved in any matter in the administration of the Federal Government. To say the least, this mode of proceeding is unusual. Candor requires me to say that I believe Mr. Crawford, as a man of honor, would be guided by what he has said, because I know the man: I believe he is willing to have the matter fully investigated before a court. But the court derives its jurisdiction from the constitution and laws of the United States, and ought not to be made a reviewing power of the Executive decisions; and no matter what he may say with regard to what he will do or will not do, it will, to all intents and purposes, be making use of that court as arbitrator to decide between him and the Government. Now, how would the matter stand? Mr. Crawford, in good faith—and his parole would go very far with me, and I would regard his word as his bond—says that he will not plead any thing in bar. But go into a full and fair investigation, and let the judgment made under an authoritative decision of the Treasury Department. Well, it may be so, or it may not be so; but suppose the judgment of the court below is against Mr. Crawford, in honor he would be bound by the state of the pleading on which the judgment was rendered. His sense of honor, and not legal obligation, would lead him. In the event of his death—the suit abating—it could not be revived; or if revived, his executors might be under a high duty to file a plea in bar to defeat the action.

Mr. EWING. No, sir. I need not say to my learned friend that they would have to abide by the pleadings below.

below.

Mr. BUTLER. There are a great many ways of amen ing the pleadings below.

Mr. EWING. No, they cannot do it.

Mr. BUTLER. I do not undertake to say that it would

Mr. BUTLER. I do not undertake to say that it would be so in this case. I know very well that the pleadings and judgment in appellate tribunals must rest entirely on the pleadings and the judgment upon them in the court below. But I say that this mode of entertaining a matter of this kind is making use of the courts for purposes not contemplated by the constitution of the United States. It never has been done. Now, with regard to the present state of the law. This money was paid over under the adjudication of the auditor and approved by the Secretary of the Treasury. That judgment or proceeding is final. It was paid, therefore, on a judgment, or that which has the operation of a judgment, and that judgment secures Mr. Crawford against any right, per lege, of the Government to recover it back, and I have no idea of interposing. Mr. Crawford has given his word, and as I have said, I believe he will abide by it, but there is no security that Mellidge Galphin or others may not be sued by the Federal courts and brought within the scope of the judgment. I conclude as I began, by saying that it is making the court an arbiter, which is not a part of its office or within its usual and proper jurisdiction. It will, in effect, give it the office of review over a distinct department of this Government.

overnment.

Mr. DAWSON. I regret very much the tone and manner of the Senator from Tennessee (Mr. TURNEY) on this sub-lect. Mr. Crawford has had a great deal said in relation to him in connexion with this particular claim; and when gentlemen use the word "whitewashing" in relation to his character, they ought first to understand the nature of the imputation that they are making, and whether they can sustain the accu-sation against Mr. Crawford in relation to this matter. I de-mand, as the friend of Mr. Crawford, to know what part of mand, as the friend of Mr. Crawford, to know what part of his conduct in relation to this matter needs "whitewashing?" What infamy or impropriety has been attached to him in relation to this matter? Where are the occasions upon which he has not acted openly, fairly, and boldly in relation to the matter? When was it that he ever forfeited his honor or his character either as an individual or as a politician? What part of his conduct during his administration of the War Department needs "whitewashing," even by a decision of the Supreme Court of the United States? I know the Senator from Tennessee did not, in using the word "whitewashed." from Tennessee did not, in using the word "whitewashed, ntend to convey a charge inconsistent with honor; at least

Mr. TURNEY. If the Senator will allow me, I will say that I made no charge—I intended to make none when I spoke of whitewashing. Mr. Crawford himself feels that there is something hanging suspended over him, otherwise he never would have made the application to Congress. He felt it when he first asked an investigation in the House. That investigation resulted unfavorably to him, and now to get rid of that—for it only plunged him lower in the public estimation—he sends here a proposition for a judicial investigation, in order to whitewash those reflections which have been cast upon him by the proceedings of the House and by what has

transpired.

Mr. DAWSON. What part of the proceedings

Mr. DAWSON. What part of the proceedings of the House casts any imputation upon Mr. Crawford?

Mr. TURNEY. They speak for themselves.

Mr. DAWSON. And they cast no imputation. Sir, it is ungenerous and unkind, in the absence of this gentleman, where he has not the opportunity of vindicating his own honor by taking part in the debate, to insinuate any thing sgainst him, calculated to do him injury before the country that he has served. Mr. Crawford, in this transaction, has acted with a marked honor and propriety. His hand, his finger has not been laid upon this claim improperly. The claim was passed by the proper departments of the Government, and its payment was sustained by the late Attorney General of the United States, who, with an honor and magna-General of the United States, who, with an honor and magnanimity which I trust will always accompany him, said that if there was any blame in relation to this matter it was upon him, and he published it to the world. The late Attorney General (Mr. Johnson) has published his opinion and his evidence, and assumed the whole responsibility like a man. Then how can it be brought up here, before the American people, and charged that this is a measure to "whitewash" George W. Crawford But, Mr. President, what is he to do? When the bitterness of party, and the unkindness of personal relations will circulate as and the unkindness of personal relations will circulate re-ports throughout the country injurious to his reputation, how is he to meet it? He can only do it by the mode he has is he to meet it? He can only do it by the mode he has adopted. What is it? He comes before the country, and notwithstanding that he is shielded by the constitution and laws in the possession of the money, yet as doubts have been expressed whether that money went honestly and justly to the representatives of Galphin, he says, so far as he is concerned, here is every dollar of that money. Now, adjudicate it before any tribunal you may select. Congress proposes to select the Supreme Court of the United States, commencing in the District Court and carrying it up to the Supreme Court. What for? To "whitewash" the character of George W. Crawford by a decision of the Supreme Court? And will the Supreme Court make a decision to whitewash his character against their oaths and the high obligations of their dignified position? Why, it is a charge against them. And, when position? Why, it is a charge against them. And, when Mr. Crawford has pursued only the course which justice, honor, and propriety demanded of him, he is charged here as coming with a view to "whitewash" his reputation, stained of course by some previous conduct! But, as the Senator from South Carolina said, Mr. Crawford's honor is known, and his parole would carry weight wherever honor and honand his parole would carry weight wherever honor and hon-esty are to be found. Gentlemen say they will not grant this investigation. And why? Because the Supreme Court may support the construction of that law given to it by the departments of this Government, and their sanction would be a protection to the past Administration from this slander, and that is the thing to be feared. It is not a "whitewashing," but it is subjecting the vindication of Mr. Crawford and the last Administration to the decision of the Supreme Court as the final arbiter; and their decision, when pro-nounced, will give satisfaction to the entire country, where

nounced, will give satisfaction to the entire country, where party motives and personal feelings do not interfere to prevent.

I did not expect, at any time, to be called up in relation to I did not expect, at any time, to be called up in relation to this claim. I was not in Congress when it passed. Other gentlemen passed the law, and they passed the law subject to that construction which has been made by the proper departments of the Government, and we are willing to abide by it. But others are not, and the only way to give the whole matter a proper bearing, is before the Supreme Court of the United States. Mr. Crawford abandons his Court of the United States. Mr. Grawford assandons his legal right to defend himself against any suit whatsoever. He abandons all that, and comes here and says I will abide by the decision of the Supreme Court, and not put in any pleasure. Mr. GWIN. Will the gentleman give way for a motion

Mr. GWIN. Will the gentleman give way for a motion to postpone the bill till to-morrow.

Mr. DAWSON. No, sir; I have but a few more remarks to make. I did not know before of the existence of the report of this committee, nor did I know what its contents were until I heard it read by the Secretary. I wished to have the resolution referred to the Judiciary Committee, for the purpose of placing before that intelligent committee, having a full knowledge of the laws of the country and of the constitution, the question whether, by an agreement between the parties, this suit could be ordered. As it has been declared by the immediate representatives of the people that a suit shall be instituted against. sentatives of the people that a suit shall be instituted against Mr. Crawford, I go for the institution of it, and if Mr. Crawford is not sustained by the decision of the Supreme Court, then let him pay back every dollar, as he will do

moment's hesitation.

Mr. COOPER. I have but a word to say. I desired to Mr. COOPER. I have but a word to say. I desired to obtain the floor after the Senstor from Tennessee, to say that I did not concur with him in the views which he has expressed. And I desired to suggest, what was very properly suggested by the Senator from South Carolina, that in the event of Mr. Crawford's decease, there are pleas that may be taken advantage of that would preclude recovery on the part of the United States, notwithstanding originally there was no right on the part of the Government to pay the money to Mr. Crawford. There is a distinction, well known to every lawyer, between the recovery of money paid through a mistake of law. Crawford. There is a distinction, well known to every lawyer, between the recovery of money paid through a mistake of law, and that paid through a mistake of fact. Here, if there is any mistake at all, it was a mistake of law, and according to the decision of the courts, both of this country and of England, money paid through a mistake of law cannot be recovered back, and if advantage of this be taken by the executors of Mr. Crawford, of course the merits of this question could not be